

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

6.302-1 “Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.” [Includes Brand Name Justification]

- 1. Identification of the agency and the contracting activity, and specific identification of the document as a “Justification for other than full and open competition.”**

Indian Affairs – Information Technology proposes to enter into a firm-fixed price contract on a basis of other than full and open competition for the Office of Information Security & Privacy. The Acquisition Office is located at 12220 Sunrise Valley Drive, Reston, VA 20191. As determined by the Contracting Official, this is a justification for other than full and open competition acquisition.

- 2. The nature and/or description of the action being approved.**

This request is for a small purchase action (under an estimated ^{redacted}) for a firm-fixed price contract to provide maintenance and support for the existing Indian Affairs ForeScout CounterAct appliances. The official title that was DOI reviewed and funded is: ForeScout CounterAct Maintenance and Support - Purchase Request Number: 0040076181.

- 3. A description of the supplies or services required to meet the agency’s needs (including the total estimated value).**

This action is required to continue the technical support capabilities for on-line, email and telephone support on an 8 hours x 5 days per week (8 am – 5 pm) basis with a three (3) business hour support response. Maintenance includes software updates and integration plug-ins (for detecting other devices on the network) and a five (5) business day advance hardware replacement program. This contract renewal was approved by Indian Affairs Information Technology (IA-IT) management and is currently listed in the FY13 budget as portfolio # S/W-PI-0024 Renewal for up to

^{redacted}

- 4. The statutory authority permitting other than full and open competition.**

The statutory authority permitting other than full and open competition is Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, “Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.”

5. A demonstration that the proposed contractor's unique qualifications or the nature of the action require use of the authority cited.

In 2008, in support of the Internet Reconnection Project, Indian Affairs acquired ten (10) ForeScout CounterAct appliances through a competitive acquisition process and now the annual maintenance and support must be renewed in order to maintain the effectiveness of this investment and to monitor the Indian Affairs' network in compliance with Federal regulations and policies. Without the ForeScout CounterAct maintenance and support renewal, the vulnerability, malware and integration plug-in updates for these devices will not remain current. Market research (see below) indicates that a number of vendors can provide the required maintenance and support; however, the brand name of ForeScout CounterAct is specifically being referenced in the technical requirements to reflect the actual type of appliance that Indian Affairs currently owns. Without specifically referencing the ForeScout CounterAct brand name, it would be impossible for a vendor to provide Indian Affairs with maintenance and support that would be compatible with the existing Indian Affairs appliances. This would degrade the ability of the Indian Affairs Office of Information Security and Privacy to monitor and protect and increase the overall Risk to the Indian Affairs network and data contained in Systems.

At this time, it has not been determined "Which Contractor" is uniquely qualified. That has not been determined by the Contracting Official.

6. A description of efforts to ensure that offers were solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies.

This request is for a small purchase action (under an estimated \$_____ for firm fixed price for maintenance and support for the ForeScout CounterAct System. Market research was conducted and potential resellers are listed in Section 9 below.

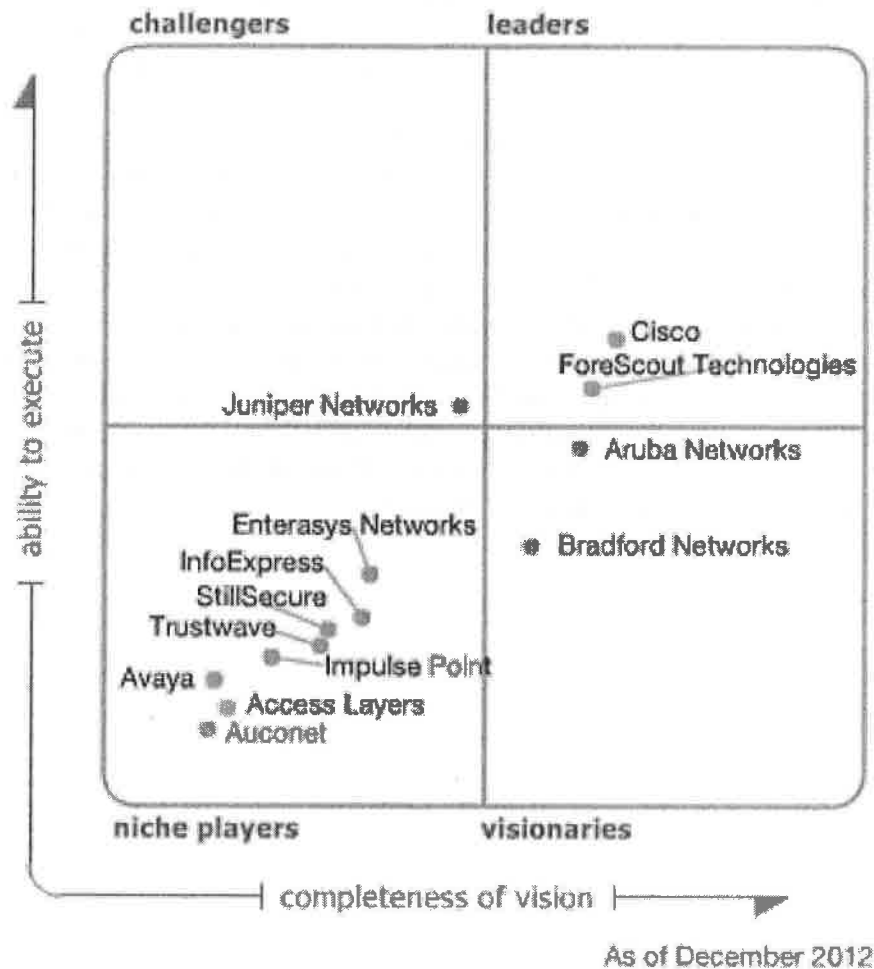
7. A determination by the contracting officer that the anticipated cost (including the cost of options) to the Government will be fair and reasonable.

The contracting officer anticipates fair and reasonable prices based upon historical pricing and published price lists. Last year's maintenance and support was provided by Fishnet Security under procurement vehicle A12PX91084 in the amount of _____.

8. A description of the market research conducted (per FAR Part 10) and the results or a statement of the reason market research was not conducted.

The Indian Affairs Office of Information Security and Privacy performed web-based market research to determine if there are any alternatives to procuring ongoing maintenance and support specific to the existing Indian Affairs Network Access Control (NAC) solution. The web-based research included two (2) sources: Gartner and the Tolly Group. Based upon the research our findings are that neither of these sources was able to provide the level of support and interoperability for our current requirement. Please note that Indian Affairs proposes to enter into a procurement action for renewal of maintenance and support for the existing NAC solution, not to procure a replacement NAC solution. This analysis of the market research was based upon verifying whether or not ForeScout CounterAct is still considered a technical leader in NAC solutions. The key findings and recommendations are as follows: Gartner employs what they call their "Magic Quadrant Research Methodology". They apply a graphical treatment and a uniform set of evaluation criteria that quickly informs how well technology providers are executing against their stated visions. In December 2012, Gartner evaluated Network Access Control Systems. Below is the current Magic Quadrant (Figure 1.).

Figure 1. Magic Quadrant for Network Access Control



Source: Gartner (December 2012)

Figure 1.

As the research has indicated “Users continue to cite ease of deployment, flexible enforcement methods and network visibility as the primary selection criteria. ForeScout has some of the largest active deployments of all the vendors. ForeScout has a strong Bring Your Own Device (BYOD) strategy and integrates well with other mobile device management solutions. With ForeScout’s leaders’ position in the quadrant, that equates well to executing against their vision and positioned for tomorrow’s technical advances.

The Tolly Group is that of a premier independent test lab and a provider of third-party services validator. In March 2012, Tolly conducted a Comparative Network Access Control Evaluation. This included four (4) of the major vendors that are also listed in Gartner’s current Magic Quadrant, viewed above. In summary, Tolly Group found that ForeScout CounterAct:

1. Offers greater ease of use, integrated functionality, vendor interoperability and scalability.
2. Enables faster deployment with less operational impact, utilizing agent-less, real time device assessment (including mobile) with customizable policy templates.
3. Provides extensive built-in policies with automated device classification, enforcement and remediation options.
4. Combines a rich feature set, flexible implementation, easier administration and scalability into one solution, contributing to a lower total cost of ownership.

The ForeScout CounterAct solution scores consistently in the upper 98 percentile in the following categories: Deployment and Ease of Use; Interoperability; Visibility; Guest Management; Endpoint Compliance and Remediation and Enforcement (see Figure 2).

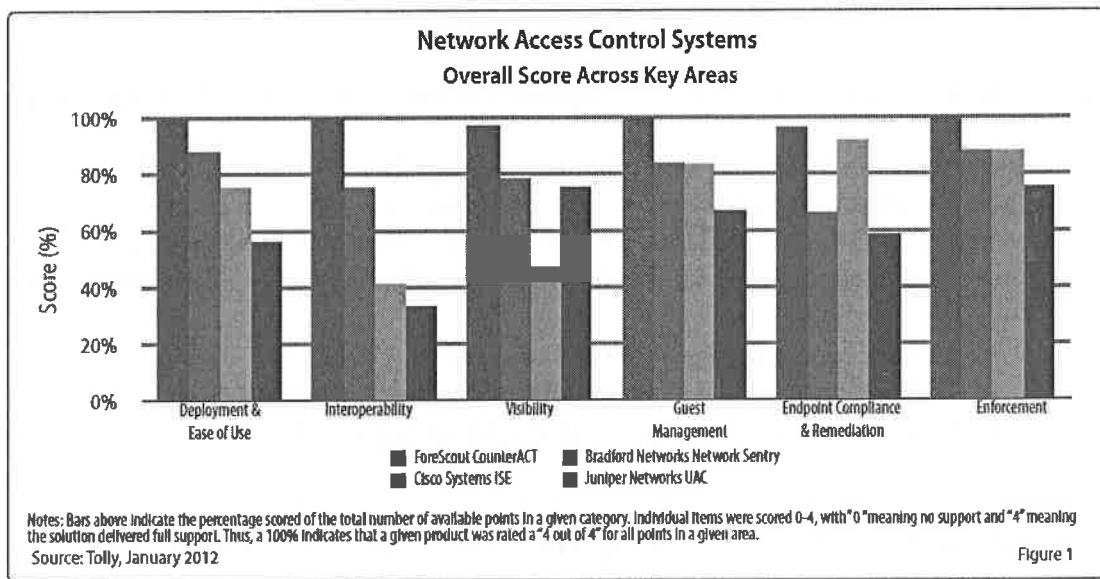


Figure 2.

Market Research Conclusions:

In both independent studies, ForeScout CounterAct is shown as one of the leading technical leaders for the Network Access Control solution. Indian Affairs made the investment back in 2008, and the market research has validated the decision through positive evaluation criteria and testing. From a technical and funding aspect, Indian Affairs and the taxpayers would realize a better return on the investment with a small procurement action for maintenance and support for the existing Network Access Control solution. The incompatibility of alternative equipment, licenses and support with the Indian Affairs current CounterAct deployment, the substantial duplication of cost that is not expected to be recovered through competition, and the likelihood of unacceptable delays in

fulfilling agency objectives led Indian Affairs to perform market research that focused on available sources to fulfill brand-name specific requirements. Please see Section 9 below for a listing of potential sources that were identified via market research.

9. Any other facts supporting the use of other than full and open competition, such as:

- a. ForeScout CounterAct, which is the Original Equipment Manufacturer (OEM), and the company's designated resellers are the only qualified and authorized vendors to provide product maintenance and support on the existing, deployed equipment.
- b. The Government assumes the risk of performance degradation or capability loss if it does not award the maintenance and support contract to the OEM or an authorized, designated reseller who is determined to be capable of providing the required maintenance and support.
- c. ForeScout CounterAct is the current Network Access Control (NAC) and Continuous Endpoint Compliance (CEC) solution deployed across the Indian Affairs network. Any change to a different appliance will cause significant costs and will require significant engineering and re-training efforts.

10. A listing of any sources that expressed a written interest in the acquisition.

Market research identified a number of vendors who advertise the ability to provide ongoing maintenance and support for Government customers who rely on ForeScout CounterAct solutions for IT Security protection. Three potential vendors are listed below; however, there are likely other vendors who can provide the required support.



11. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition, before any subsequent acquisition for the supplies or services are required.

Market research (see above) indicates that a number of vendors (competition) can provide the required maintenance and support; however, the brand name of ForeScout CounterAct is specifically being referenced in the technical requirements to reflect the actual type of appliance that Indian Affairs currently owns. Without specifically referencing the ForeScout CounterAct brand name, it would be impossible for a vendor to provide Indian Affairs with maintenance and support that would be compatible with the existing Indian Affairs appliances.

Certification

Program Senior Official (or designee):

I certify that the facts and representations under my cognizance, which are included in this justification and which form a basis for this justification, are complete and accurate.

TZCC 5/10/13
(Insert name) Date

Requisitioner:

I certify that the facts and representations under my cognizance, which are included in this justification and which form a basis for this justification, are complete and accurate.

Rann E. Eddy 5/9/13
Signature Date

Contracting Officer:

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Kelly Lael 5/14/13
Signature Date

